

**MISSOURI COURT OF APPEALS EASTERN DIVISION**  
**OPINION SUMMARY**

DOMINIC LAMAR HAWKINS,	)	No. ED104180
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable James E. Sullivan
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: March 7, 2016

Dominic Lamar Hawkins (“Hawkins”) appeals the denial of his Rule 29.15 motion after an evidentiary hearing. On appeal, Hawkins argues that his defense counsel was ineffective in creating a negative inference for the jury when he told the jury in his opening statement that Hawkins would testify, and then did not call Hawkins to testify at trial. Because defense counsel’s decision to tell the jury that Hawkins would testify was a reasonable trial strategy, later complicated by an unforeseeable event, the motion court did not clearly err in denying Hawkins’s claim of ineffective assistance of counsel.

AFFIRMED.

DIVISION FOUR HOLDS: The motion court did not clearly err in denying Hawkins’s Rule 29.15 motion because defense counsel employed a reasonable trial strategy, both in promising Hawkins’s testimony to the jury and in changing trial strategy only after the alibi defense was no longer viable.

Opinion by: Kurt S. Odenwald, Judge  
Gaertner, Jr., J., concur.

James M. Dowd, P.J., and Gary M.

Attorney for Appellant: Andrew E. Zleit

Attorney for Respondent: Josh Hawley and Dora A. Fichter

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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